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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

EDELL, JOSEPH F

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/985,769

Applicant(s)

ITOH, KEISHIROU

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 29 April 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 29 April 2003 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,199,947 B1 to Wiklund in view of JP Pat. No. 10-169486 to Okano et al.

Wiklund discloses a head rest apparatus that is basically the same as that recited in claims 1, 2, 5, and 6 except that the head rest apparatus lacks a stopper member, as recited in the claims. See Figures 1-4 of Wiklund for the teaching that the head rest apparatus has a head rest frame 17,23 (Fig. 2) supported on a seat back frame 9 (Fig. 2) via a tilting shaft, an upper side (see Fig. 2) for attaching a head rest 4 (Fig. 2), a pressure receiving member 18 (Fig. 2) provided in a lower side of the tilting shaft and

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receiving a load applied to the front surface of the seat back wherein the head rest frame tilts forward around the tilt shaft when the pressure receiving member is exposed to the load, a cantilever urging member 12,16 (Fig. 2) engaging with the seat back frame and the head rest frame to urge head rest frame in a backward tilting direction, a bracket 13 (Fig. 2) mounted to an upper end portion of the seat back frame and an upper end of cantilever urging member, and a head rest holder 24 (Fig. 3) for mounting the head rest wherein the head rest frame is brought into contact with an upper end 26 (Fig. 3) of the seat back frame whereby back tilting of the head rest frame is restricted. Okano et al. show a head rest apparatus similar to that of Wiklund wherein the head rest apparatus has a head rest frame 6 (Fig. 1), a seat back frame 4 (Fig. 1), a pressure receiving member 8 (Fig. 1), an urging member 16 (Fig. 5), and a stopper member 13 (Fig. 1) for restricting backward tilting of the head rest frame. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the head rest apparatus of Wiklund such that the head rest apparatus has a stopper member mounted to the bracket to engage the urging member for restricting backward tilting of the head rest frame, such as the head rest apparatus of Okano et al. One would have been motivated to make such a modification in view of the suggestion in Okano et al. that the stopper for the head rest apparatus provides a contact point between the head rest frame and seat back frame to prevent backward tilting of the head rest frame past a specified point.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiklund in view of Okano et al. as applied to claims 1, 2, 5, and 6 above, and further in view of U.S. Patent No. 5,378,043 to Viano et al.

Wiklund, as modified, discloses a head rest apparatus that is basically the same as that recited in claim 4 except that the head rest apparatus lacks a cantilever urging member with left, right, and horizontal rod portions, as recited in the claim. Viano et al. show a head rest apparatus similar to that of Wiklund wherein the head rest apparatus has a head rest frame 12 (Fig. 2), a seat back frame 22 (Fig. 2), a pressure receiving member 10 (Fig. 1), and an urging member 18 (Fig. 1) wherein the urging member is a cantilever having left and right vertical rod portions as well as a horizontal rod portion connected to the lower ends of the vertical rod portions so as to be formed in a U-shape wherein the horizontal rod portion urges the head rest frame. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the head rest apparatus of Wiklund such that the cantilever urging member has a left vertical rod portions, a right vertical rod portions, and a horizontal rod portion connecting the vertical rod portions so as to form a U-shape wherein the vertical rod portions are supported on the seat back frame and the horizontal rod portion urges the head rest frame, such as the head rest apparatus disclosed in Viano et al. One would have been motivated to make such a modification in view of the suggestion in Viano et al. that the urging member rod portions configuration allows for an urging member that is easily movable at lower pressure levels while exhibiting plastic deformation under predetermined loads representative of a rear impact.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 2, and 4 as well as new claims 5 and 6 have been considered but are moot in view of the new grounds of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

JE
July 10, 2003


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600